

Tiahrt	Wamp	Wicker
Toomey	Watkins	Wilson
Trafficant	Watts (OK)	Wolf
Upton	Weldon (FL)	Young (AK)
Vitter	Weldon (PA)	Young (FL)
Walden	Weller	
Walsh	Whitfield	

NAYS—181

Abercrombie	Hastings (FL)	Oberstar
Ackerman	Hill (IN)	Obey
Allen	Hilliard	Olver
Andrews	Hinchev	Ortiz
Baird	Hinojosa	Owens
Baldacci	Hoeffel	Pallone
Baldwin	Holt	Pascarell
Barcia	Hooley	Pastor
Barrett (WI)	Hoyer	Payne
Becerra	Inslee	Pelosi
Bentsen	Jackson (IL)	Pickett
Berkley	Jackson-Lee	Price (NC)
Berman	(TX)	Rahall
Berry	Johnson, E. B.	Reyes
Bishop	Jones (OH)	Rivers
Blagojevich	Kanjorski	Rodriguez
Bonior	Kaptur	Roemer
Borski	Kennedy	Rothman
Boswell	Kildee	Roybal-Allard
Brady (PA)	Kilpatrick	Rush
Brown (FL)	Kind (WI)	Sabo
Brown (OH)	Klecicka	Sanchez
Capps	Klink	Sanders
Capuano	Kucinich	Sandlin
Cardin	LaFalce	Sawyer
Carson	Lampson	Schakowsky
Clay	Lantos	Scott
Clayton	Larson	Serrano
Clement	Lee	Sherman
Clyburn	Levin	Shows
Conyers	Lewis (GA)	Skelton
Costello	Lipinski	Slaughter
Coyne	Lofgren	Smith (WA)
Crowley	Lowey	Snyder
Cummings	Luther	Spratt
Danner	Maloney (CT)	Stabenow
Davis (FL)	Maloney (NY)	Stark
Davis (IL)	Markey	Stupak
DeFazio	Mascara	Tanner
DeGette	Matsui	Tauscher
Delahunt	McCarthy (MO)	Taylor (MS)
DeLauro	McCarthy (NY)	Thompson (CA)
Deutsch	McDermott	Thompson (MS)
Dicks	McGovern	Thurman
Dingell	McIntyre	Tierney
Dixon	McKinney	Towns
Doggett	McNulty	Turner
Edwards	Meehan	Udall (CO)
Etheridge	Meek (FL)	Udall (NM)
Evans	Meeks (NY)	Velazquez
Farr	Menendez	Vento
Fattah	Millender-	Visclosky
Filner	McDonald	Watt (NC)
Ford	Miller, George	Waxman
Frost	Minge	Weiner
Gejdenson	Mink	Wexler
Gephardt	Moakley	Weygand
Gonzalez	Mollohan	Wise
Gordon	Nadler	Woolsey
Green (TX)	Napolitano	Wu
Gutierrez	Neal	Wynn

NOT VOTING—11

Coble	Holden	Scarborough
Diaz-Balart	Jefferson	Sweeney
Engel	Rangel	Waters
Hall (OH)	Royce	

□ 1127

Messrs. DELAHUNT, SPRATT, TAYLOR of Mississippi and RODRIQUEZ changed their vote from "yea" to "nay."

Mr. HALL of Texas changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

The SPEAKER pro tempore (Mr. HEFLEY). The unfinished business is the question of agreeing to the motion to instruct on the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, offered by the gentlewoman from California (Ms. LOFGREN), on which the yeas and nays were ordered.

The Clerk will designate the motion.

The text of the motion is as follows:

Ms. Lofgren moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference recommend a conference substitute that—

(1) includes a loophole-free system that assures that no criminals or other prohibited purchasers (e.g. murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers, and batterers) obtain firearms from non-licensed persons and federally licensed firearms dealers at gun shows;

(2) does not include provisions that weaken current gun safety law; and

(3) includes provisions that aid in the enforcement of current laws against criminals who use guns (e.g. murderers, rapists, child molesters, fugitives from justice, stalkers and batterers).

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 305, nays 117, not voting 11, as follows:

[Roll No. 438]

YEAS—305

Abercrombie	Brady (PA)	Davis (IL)
Ackerman	Brady (TX)	Davis (VA)
Allen	Brown (FL)	Deal
Andrews	Brown (OH)	DeFazio
Baird	Buyer	DeGette
Baldacci	Calvert	Delahunt
Baldwin	Camp	DeLauro
Ballenger	Campbell	Deutsch
Barrett (WI)	Canady	Diaz-Balart
Bartlett	Capps	Dickey
Barton	Capuano	Dicks
Bateman	Cardin	Dixon
Becerra	Carson	Doggett
Bentsen	Castle	Dooley
Bereuter	Chambliss	Doolittle
Berkley	Clay	Doyle
Berman	Clayton	Dreier
Biggert	Clement	Duncan
Bilbray	Clyburn	Dunn
Bilirakis	Combest	Edwards
Blagojevich	Condit	Ehlers
Blumenauer	Conyers	Ehrlich
Blunt	Cook	English
Boehert	Coyne	Eshoo
Bonior	Crane	Etheridge
Bono	Crowley	Evans
Borski	Cummings	Ewing
Boswell	Cunningham	Farr
Boyd	Davis (FL)	Fattah

Filner	Lewis (CA)	Roemer
Foley	Lewis (GA)	Rogan
Forbes	Linder	Rohrabacher
Ford	Lipinski	Ros-Lehtinen
Fossella	LoBiondo	Rothman
Fowler	Lofgren	Roukema
Frank (MA)	Lowey	Roybal-Allard
Franks (NJ)	Luther	Rush
Frelinghuysen	Maloney (CT)	Ryan (WI)
Frost	Maloney (NY)	Sabo
Gallegly	Manzullo	Salmon
Ganske	Markey	Sanchez
Gejdenson	Martinez	Sanders
Gephardt	Mascara	Sawyer
Gilchrest	Matsui	Saxton
Gillmor	McCarthy (MO)	Schaffer
Gilman	McCarthy (NY)	Schakowsky
Gonzalez	McCollum	Scott
Goss	McDermott	Sensenbrenner
Granger	McGovern	Serrano
Green (WI)	McHugh	Shaw
Greenwood	McInnis	Shays
Gutierrez	McKeon	Sherman
Gutknecht	McKinney	Simpson
Hastings (FL)	McNulty	Skeen
Hefley	Meehan	Slaughter
Herger	Meek (FL)	Smith (NJ)
Hilleary	Meeks (NY)	Smith (WA)
Hinchev	Menendez	Snyder
Hinojosa	Metcalfe	Spratt
Hobson	Mica	Stabenow
Hoeffel	Millender-	Stark
Hoekstra	McDonald	Stearns
Holt	Miller (FL)	Stupak
Hooley	Miller, Gary	Sweeney
Horn	Miller, George	Tancred
Houghton	Minge	Tauscher
Hoyer	Mink	Tauzin
Hunter	Moakley	Taylor (MS)
Hutchinson	Mollohan	Terry
Hyde	Moore	Thomas
Inslee	Moran (VA)	Thompson (CA)
Isakson	Morella	Thompson (MS)
Jackson (IL)	Nadler	Thurman
Jackson-Lee	Napolitano	Tierney
(TX)	Neal	Towns
John	Nethercutt	Trafficant
Johnson (CT)	Northup	Udall (CO)
Johnson, E. B.	Nussle	Udall (NM)
Jones (OH)	Obey	Upton
Kanjorski	Olver	Velazquez
Kaptur	Ose	Vento
Kasich	Owens	Visclosky
Kelly	Oxley	Walden
Kennedy	Packard	Walsh
Kildee	Pallone	Waters
Kilpatrick	Pascarell	Watt (NC)
Kind (WI)	Pastor	Waxman
King (NY)	Payne	Weiner
Klecicka	Pelosi	Petri
Klink	Pomeroy	Weldon (FL)
Knollenberg	Porter	Weldon (PA)
Kolbe	Portman	Weller
Kucinich	Price (NC)	Wexler
Kuykendall	Pryce (OH)	Weygand
LaFalce	Quinn	Wilson
Lantos	Radanovich	Wise
Larson	Ramstad	Wolf
Latham	Regula	Woolsey
LaTourette	Reyes	Wu
Lazio	Reynolds	Wynn
Leach	Rivers	Young (AK)
Lee	Rodriguez	Young (FL)
Levin		

NAYS—117

Aderholt	Chabot	Goodling
Archer	Chenoweth	Gordon
Armey	Coburn	Graham
Bachus	Collins	Green (TX)
Baker	Cooksey	Hall (TX)
Barcia	Costello	Hansen
Barr	Cramer	Hastings (WA)
Barrett (NE)	Cubin	Hayes
Bass	Danner	Hayworth
Berry	DeLay	Hill (IN)
Bishop	DeMint	Hill (MT)
Bliley	Dingell	Hilliard
Boehner	Emerson	Hostettler
Bonilla	Everett	Hulshof
Boucher	Fletcher	Jenkins
Bryant	Gekas	Johnson, Sam
Burr	Gibbons	Jones (NC)
Burton	Goode	Kingston
Callahan	Goodlatte	LaHood

Lampson	Pickering	Souder
Largent	Pickett	Spence
Lewis (KY)	Pitts	Stenholm
Lucas (KY)	Pombo	Strickland
Lucas (OK)	Rahall	Stump
McCrery	Riley	Sununu
McIntosh	Rogers	Talent
McIntyre	Ryun (KS)	Tanner
Moran (KS)	Sandlin	Taylor (NC)
Murtha	Sanford	Thornberry
Myrick	Sessions	Thune
Ney	Shadegg	Tiahrt
Norwood	Sherwood	Toomey
Oberstar	Shimkus	Turner
Ortiz	Shows	Vitter
Paul	Shuster	Wamp
Pease	Sisisky	Watkins
Peterson (MN)	Skelton	Watts (OK)
Peterson (PA)	Smith (MI)	Whitfield
Phelps	Smith (TX)	Wicker

NOT VOTING—11

Cannon	Hall (OH)	Rangel
Coble	Holden	Royce
Cox	Istook	Scarborough
Engel	Jefferson	

□ 1137

Messrs. BURTON of Indiana, NEY, DELAY, SHOWS, WHITFIELD, ADERHOLT, STRICKLAND, LARGENT, and KINGSTON changed their vote from "yea" to "nay."

Mr. RADANOVICH changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. YOUNG of Alaska. Mr. Speaker, I mistakenly voted in favor of the motion to instruct conferees on H.R. 1501 offered by Ms. LOFGREN. My vote should have been recorded as a vote in opposition to the motion.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1875, the bill to be considered in the Committee on the Whole shortly.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

INTERSTATE CLASS ACTION
JURISDICTION ACT OF 1999

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 295 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1875.

The Chair designates the gentleman from Utah (Mr. HANSEN) as chairman of the Committee of the Whole, and requests the gentleman from Colorado (Mr. HEFLEY) to assume the chair temporarily.

□ 1138

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, with Mr. HEFLEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this much-needed bipartisan legislation corrects a serious flaw in our Federal jurisdiction statutes. At present, those statutes forbid our Federal courts from hearing most interstate class actions, the lawsuits that involve more money and touch more Americans than virtually any other litigation pending in our legal system.

Mr. Chairman, the class action device is a necessary and important part of our legal system. It promotes efficiency by allowing plaintiffs with similar claims to adjudicate their cases in one proceeding. It also allows claims to be heard in cases where there are small harms to a large number of people, which would go otherwise unaddressed because the cost to the individuals suing could far exceed the benefit to the individual. However, class actions have been used with an increasing frequency and in ways that do not promote the interests they were intended to serve.

In recent years, State courts have been flooded with class actions. As a result of the adoption of different class action certification standards in the various States, the same class might be certifiable in one State and not another or certifiable in State court but not in Federal court. This creates the potential for abuse of the class action device, particularly when the class involves parties from multiple States or requires the application of the laws of many States.

For example, some State courts routinely certify classes before the defendant is even served with a complaint and given a chance to defend. Other State courts employ very lax class certification criteria rendering virtually any controversy subject to class action treatment.

There are instances where a State court, in order to certify a class, has determined that the law of that State applies to all claims, including those of purported class members who live in other jurisdictions. This has the effect of making the law of that State applicable nationwide.

The existence of State courts which broadly apply class certification rules encourages plaintiffs to forum shop for the court which is most likely to certify a purported class. In addition to forum shopping, parties frequently exploit major loopholes in the Federal jurisdiction statutes to block the removal of class actions that belong in Federal court.

For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive Federal law claims or shave the amount of damages claimed to ensure that the action will remain in State court.

Another problem created by the ability of State courts to certify class actions which adjudicate the right of citizens of many States is that oftentimes more than one case involving the same class is certified at the same time. In the Federal court system, these cases involving common questions of fact may be transferred to one district for coordinated or consolidated pretrial proceedings.

When these class actions are pending in State courts, however, there is no corresponding mechanism for consolidating the competing suits. Instead, a settlement or judgment in any of the cases make the other class actions moot. This creates an incentive for each class counsel to obtain a quick settlement of the case and an opportunity for the defendant to play the various class counsel against each other and drive the settlement value down. The loser in this system is the class member whose claim is extinguished by the settlement at the expense of counsel seeking to be the one entitled to recovery of fees.

Our bill is designed to prevent these abuses by allowing large interstate class action cases to be heard in Federal court. It would expand the statutory diversity jurisdiction of the Federal courts to allow class action cases involving minimal diversity. That is when any plaintiff and any defendant are citizens of different States to be brought in or removed to Federal court.

Article 3 of the Constitution empowers Congress to establish Federal jurisdiction over diversity cases, cases between citizens of different States. The grant of Federal diversity jurisdiction was premised on concerns that State courts might discriminate against out-of-state defendants.

In a class action, only the citizenship of the named plaintiff is considered for determining diversity, which means that Federal diversity jurisdiction will not exist if the named plaintiff is a citizen of the same State as the defendant regardless of the citizenship of the rest of the class.